

REMARKS

The Office in the Action dated September 8, 2004 reopened prosecution following the filing of a Supplemental Appeal Brief. The Action included rejections and an objection. A 2nd Supplemental Appeal Brief has been separately filed in response to the rejections therein. The objection is traversed herein. Reconsideration is respectfully requested.

The Objection

Claim 15 was objected to because "What the 'TR' stands for should be written out with the 'IR' in parenthesis." Appellants respectfully traverse the objection to claim 15. The objection is without merit. One skilled in the art (e.g., Autry at col. 4, line 20; US 5,724,106) understands what "IR" represents, especially in light of Appellants' specification. Furthermore, the Office has issued many patents with the same "IR" terminology in the claims.

The Action is devoid of any legal basis for the objection. Appellants respectfully submit that the objection is not appropriate and should be withdrawn. The claims (including claim 15) are in compliance with 37 C.F.R. § 1.75.

The objection (which is based on 'should be') is viewed as an invitation to cosmetically improve the claim (in the same manner as suggested on page 3, lines 1-2 of the Action). Appellants respectfully decline the invitation. However, as a courtesy to the Office, Appellants hereby authorize the Examiner to revise claim 15 by adding "infrared" as suggested, in accordance with 37 C.F.R. § 1.121(g). Thus, Appellants respectfully submit that the objection issue is rendered moot.

Failure by the Office to reply to this request for reconsideration will be taken as an admission by the Office that the objection has been withdrawn.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,


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